

The Great Problem--How it may be Successfully Solved.

IMPARTIAL SUFFRAGE THE REMEDY FOR THE EVILS THAT SURROUND US.
JUSTICE TO THE BLACK LOYALISTS AS WELL AS MERCY
TO THE WHITE TRAITORS.

SPEECH OF SENATOR YATES, OF ILLINOIS, IN THE SENATE OF THE UNITED STATES,

FRIDAY, JUNE 8, 1866.

The Senate, having under consideration the joint resolution to amend the Constitution of the United States, Senator Yates, of Illinois, obtained the floor, and said:

Mr. President, I had not expected to say anything upon this question. I preferred to proceed to a vote immediately. We have had much debate upon it. I know the anxiety which gentlemen feel to come to a vote on this question, and I shall say but a very few words.

I have thought that in consequence of the position which I assumed in the beginning of the session, and from the fact that my heart has not been entirely in favor of the measures which have been proposed, and still not opposed to them, that it might become me to explain my views. It seems to be fashionable in this day for gentlemen who presume to think their views should be known to avail themselves of the opportunity to explain their position. I propose to do so now, and that I may speak more directly to the purpose, that I may present the views which I wish to present, and which I promise shall detain the Senate but a very few minutes in stating, I will send to the desk of the Clerk an amendment

which I propose to be added as an additional section to the sections already under consideration, not so much that I care whether a vote is taken on it or not, but simply as the basis of the very few remarks which I shall submit on the present occasion.

The Secretary read as follows:

Nothing in the foregoing sections shall abridge or in any wise affect the rights, franchises, or privileges of any inhabitant of the United States, or of any State or Territory of the United States, guaranteed by the constitutional amendment abolishing slavery within the United States, in force on the 18th day of December, 1865.

Mr. Yates. At the beginning of the session I took the ground that already by the Constitution of the United States, as amended, every man in the United States, without regard to color or caste of any kind, was a citizen, and I offered a resolution to that effect, based upon the fact that by the constitutional amendment we had abolished slavery within the United States and in all the Territories subject to the jurisdiction of the United States, and required Congress by appropriate legislation to enforce that

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provision of the amendment. I offered my resolution declaring what seemed to be an admitted fact by Senators of distinguished ability, that all constitutions, laws, and regulations of any State or Territory of the United States which conflicted with this amendment to the Constitution of the United States were null and void. I took the ground that this being the fact, Congress should resort to the mode prescribed and required by the amendment, and by "appropriate legislation" enforce that provision of the Constitution. I assumed the position that that amendment did not confer freedom upon the slave, or upon anybody, without conferring upon him the muniments of freedom, the rights, franchises, and privileges that appertain to an American citizen or to freedom, in the proper acceptance of that term. I took the ground laid down in the decision of the Supreme Court of the United States in the Dred Scott case, (which certainly was a hard rule by which I should be governed,) that when this amendment passed the freedman was no longer a member of a subject race. He became by virtue of the amendment one of the people, one of the body politic, and entitled to be protected in all his rights and privileges as one of the citizens of the United States. The deductions drawn from the decision in the Dred Scott case were irresistible. The great Senator from Massachusetts [Mr. Sumner] said (the highest compliment ever paid to me in my life) that, in the argument I presented, in view of the principles laid down in that decision, I had made an unanswerable argument.

I took the ground that the slave in every State of the United States, being made free by this amendment, occupied precisely the same position with any other part of the body politic; that a son of a colored man born in the State of Wisconsin, under the broad ægis of this amendment to the Constitution had the same rights that my son had. I maintained that, by this amendment to the Constitution, and by the promises of Abraham Lincoln, made in his proclamation of emancipation, the freedman should be maintained in his freedom; that being like any other man, under this amendment to the Constitution he had the same right, the same inherent—if you choose, God-given—right; and further, if he had not that right naturally, or civilly, or politically, he, by his heroic valor, his prowess upon many a glorious battle-field, where he had fought side by side with our own brave sons and brothers, had become entitled to it.

I took the ground which I maintain to-day, that suffrage is the only remedy for the evils by which we are surrounded. It is the only thing that can kill secession; the only thing that can

divide the South or introduce a loyal element there which will be a counterbalancing force; the only thing which will secure us a loyal representation from the South and a loyal people in the South.

I further held that if we went before the American people, without indirection or disguise upon this broad proposition, we should sweep a large majority of the Northern States, we should carry some of the Southern States, and establish this country upon the solid foundations of permanent peace and happiness.

Mr. President, I have therefore sent to the Chair the amendment which, with the consent of the honorable chairman of the committee, I am allowed to propose; an amendment which says that nothing in the sections which we are about to adopt shall be construed to mean that the rights, franchises, and privileges already secured by the Constitution of the United States to any American citizen shall be impaired or in any wise affected. Such an amendment can do no harm. If the power for which I contend does not exist in the Constitution now, these words can at the worst be regarded but as surplusage; while the thousands and the hundreds of thousands of the American people who this day believe that the power does exist there; the hundreds of thousands who believed it to exist there even before the late constitutional amendment, like my friend from Massachusetts, will the more readily support the amendments which the committee have reported when they see and when they feel assured that there is nothing in the amendments which will deprive the citizen of rights already guaranteed by the Constitution of the United States. Believing as I do as a lawyer, believing in my heart that under the constitutional amendment abolishing slavery within the United States, every inhabitant of the United States (excepting unnaturalized foreigners, whose case is regulated by the Constitution) is as free as I am, and entitled to the same rights and privileges that I am, I have sent to the Chair this amendment which I desire to propose, so that there shall not be even a color for any judicial decision proposing to deprive men of rights which are already guaranteed by the recognized law.

Mr. President, if the Senator from Pennsylvania who sits by my side [Mr. Cowan] were here, I would say to him that it is not radicalism that I fear. My fear is not that this Congress will be too radical. I am not afraid of this Congress being shipwrecked upon any proposition of radicalism; but I fear from timid and cowardly conservatism which will not risk a great people to take their destiny in their own hands and to settle this great question upon the principles of equality, justice, and liberty. That is my fear.

So far as my position is concerned, it is unchanged; my convictions are the rather strengthened, and if I had it in my power to day, I would write it in plain words upon the face of the Constitution, plain as the stars upon the sky, not in tortuous and hard-to-be-understood propositions; yes, I would write in the fundamental and unchangeable law of the land, that the Declaration of American Independence is a verity; that all men are created equal; and having the powers which this Congress now has, I would prove my belief by making that declaration a reality. If this Congress of the United States could adjourn on the 4th day of July, 1866, having accomplished this great result it would be the greatest epoch in the annals of time. At the termination of such a war as this, with its mighty events and sacred memories, signalized by its grand armies and its grander issues, and by the blazonry of the great achievements of our sons upon so many glorious battle-fields, after so much blood and so much treasure had been spent, I could but hope that the Congress of the United States would come up to the grand results that are taught by the events of this war, and by the emergencies by which we are surrounded, and proclaim the true principle and the only principle upon which this Government can live.

I am true to the theory of my Government. I believe, I religiously believe, that the strong common sense of all the people, of the populace of America, is the salvation of the Government of the United States.

My distinguished friend from Wisconsin [Mr. Doolittle]—and he is really my friend—claimed that he was the savior of our party because he had prevented the issue of negro suffrage from being made in the State of Wisconsin last fall. Sir, a man who could claim to be the instrument of conferring these great and inalienable rights upon his fellow men might with some propriety claim to be the savior of his party and of his country. Does the Senator remember the gallant colored regiment from the State of Wisconsin, one thousand strong, who went out and bore up our flag amid the storm and thunder of battle? And he calls himself a savior of the country because he has been the instrument in the hands of Providence of preventing them from exercising the right of suffrage. Sir, his comparison of himself with our blessed Saviour was true in only one respect that I know of, and that is that he will most certainly be crucified. If, on the other hand, he could have come forward and said, "I stood by you; you were true to your country in the hour of its calamity and its affliction; we called you to the help of the Government! you came and stood by us in the hour of our calamity;" if he had made a sacri-

fice of himself in such a glorious act of humanity and human liberty—if sacrifice it could be called—it perhaps might not be considered blasphemy to compare himself to Him whose mission upon earth it was to "proclaim liberty to the captive, to break every yoke, and let the oppressed go free."

Not so much of a victory was that in Wisconsin. The honorable Senator said with an air of triumph that negro suffrage had been beaten by nine thousand votes. Look at it. After two hundred years of foul oppression, of accumulated prejudice against a race, when politicians dare not assert their anti-slavery opinions, at the very first election in the State of Wisconsin negro suffrage lacked only nine thousand votes, according to his statement, of being carried; and I am prepared to believe that with his powerful influence it would have been carried triumphantly.

Mr. President, we may legislate on this question of suffrage. We may attempt by indirection to find direction. We know that we aim at suffrage; why not say so, and that we will have it? Already suffrage is upon us. Colored men vote in Wisconsin to-day under the authority of legal decisions. Iowa has boldly proclaimed by a majority of her citizens that she is for suffrage. Connecticut gained upon her last vote. Even in the slave States, Tennessee and Texas are on the verge of suffrage; and before these resolutions shall have been passed upon by all the States, suffrage, in spite of all our legislation will be an accomplished fact. The honorable Senator has not prevented, neither he nor Congress can prevent suffrage. It will override all political platforms and opposing forces. Seven hundred and fifty thousand voters loyal and true to the Union must and shall be had against treason and secession, and in favor of the preservation of this Government and the principles of human liberty.

It is to me the strangest thing in the world that while we deny four million loyal men—men who have been loyal under all circumstances, who have been true to the country everywhere, in war and in peace—while we deny to them the rights of American citizens, we are prepared to extend all privileges to the men who have tried to destroy and to overthrow the Government. There is no propriety, there is no good taste in such yearnings over rebels and traitors, while we deny right and justice to our friends.

We listened to the Senator from Pennsylvania [Mr. Cowan] a day or two ago, and he seemed to think that to deprive a man of the right to hold an office was the highest punishment that could possibly be inflicted upon him; and he supposed a most affecting case, but a case which is utterly impossible, that my friend from Michigan [Mr. Howard] had been a traitor, and



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had been excluded from the right to hold office, and that he wished to be a candidate for the United States Senate, and his wife and children would gather around him and say, "Why cannot my husband or my father be a Senator? He is as great as any of those men there; why cannot he be a Senator?" Simply because he has not the right to hold an office. "It is," says that Senator, "a punishment; it is the mark of Cain upon his brow; it is the wolf head upon his brow. He has no right to be a Senator; otherwise my husband or my father would be in the Senate as well as other people."

Sir, let us suppose another case. Here is a man, Jeff. Davis, Winder, or Dick Turner, or some other notorious traitor. He has been the cause of the death of that boy of yours. He has shot at him from behind an ambuscade, or he has starved him to death in the Andersonville prison, or he has made him lie at Belle Isle subject to disease and death from the miasma by which he was surrounded. When he is upon trial and the question is, "Sir, are you guilty, or are you not guilty?" and he raises his blood-stained hands, deep dyed in innocent and patriotic blood, the Senator from Pennsylvania rises and says, "For God's sake do not deprive him of the right to go to the Legislature." The idea is that if a man has forfeited his life it is too great a punishment to deprive him of the privilege of holding office.

But I stated that I should make but a very few remarks, and I now come to the point which is more interesting to all of us, and that is, strange as it may seem, with these views in my mind, and while I subject myself to the criticism of my distinguished friend from Indiana, [Mr. Hendricks,] I shall support these propositions. They are not such as I desire. They do not come up to the stand-point which I have set for myself. I think that Congress has failed to come up to the stand point of the people in this regard; but, at the same time, as I cannot get the position for which I have so earnestly contended, I will sit quietly by, as I have sat quietly by, and take the next best proposition that I can get. I believe in the good common sense of my friend from Maine [Mr. Fessenden] who says that if he cannot get the best dinner he will take the next best; if he cannot get the best proposition he will take the next best proposition. I have a good deal of faith like that of my friend from Ohio, [Senator Wade,] and while I would not state the proposition quite so broadly as he does, yet I always feel perfectly safe when I am in the hands of a good Republican Union party; and I would rather trust to the wisdom of the Senator from Maine and the collective wisdom of the Senators by whom I am surrounded than to stand alone by myself and assert that I was the only man in

the world who understood this question. I only act upon a principle that the Senator from Indiana and myself and all of us act upon here every day. We propose to amend propositions, and if those amendments fail we go for the proposition itself, notwithstanding our amendments are not adopted, notwithstanding the best thing is not in it; and that is my position to-day.

There are other points in these constitutional amendments to which I will not refer, except to say that my judgment approves of them. I am for the exclusion of traitors and rebels from exercising control, and power, and authority in this Government until they have shown fruits meet for repentance. I am for the faithful payment of the national debt. I am for the repudiation of the rebel debt. I am against compensation for slaves, as I am against compensation for any other rebel property. But above all there is in the first section a clause that I particularly favor. It is this:

All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

And then it goes on to provide that their rights shall not be abridged by any State. We have here, in the Constitution of the United States of America, a guarantee which protects us from future judicial tyranny such as we have experienced under the decisions of the Supreme Court. We have a declaration as to who are citizens of the United States. If this amendment of mine could be adopted, that in the constitutional amendments which we submit we do not propose to conflict with any rights which have been heretofore guaranteed by the fundamental law, the Constitution of the United States, I should be still more satisfied.

But, sir, there is another feature in this proposition, and that is, that although we do not obtain suffrage now, it is not far off, because the grasping desire of the South for office, that old desire to rule and reign over this Government and control its destinies, will at a very early day hasten the enfranchisement of the loyal blacks.

While gentlemen upon the other side of the chamber are opposed to these measures as too radical, I am opposed to them, so far as I may present points of opposition, because they are not radical enough. At all events, therefore, we have the medium between extremes; we have moderation. If we do not meet the views of the Radicals on the one hand, or the Democracy upon the other, we have the medium, the moderation which has been agreed upon by the collective wisdom of the American Senate. I am glad that I can go before my constituents and say that in the whole history of the world there never were such terms of moderation and of magnanimity proposed by the visitors to a vanquished foe as by these resolutions, which have been reported by the committee of fifteen.